IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 9811 of 2007(R)

PETITIONER:
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1. THE MANAGER, AIDED SENIOR BASIC SCHOOL, MANNALLUR, PALAKKAD.

2. MANAGING TRUSTEE, MOTHER EDUCATIONAL SERVICE & CHARITABLE TRUST OF KERALA, KINASSERY, PALAKKAD.

BY ADV. SRI.N.SUGATHAN
SMT.VARSHA BHASKAR

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER, KOZHALMANNAM, PALAKKAD.

3. K.DHANALEKSHMI, SHREE AYYAPPA DEEPAM, MANHALUR P.O., VIA ETHANUR, PALAKKAD DISTRICT-678 502.

BY GOVT.PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 9811 OF 2007 R

Dated this the 22nd March, 2007

JUDGMENT

Case of the petitioners, in brief, is as follows:

First petitioner is the Manager of an Aided U.P. School. Second petitioner is a subsequent transferee. The husband of third respondent, while he was working as Peon in the School, has passed away on 6.6.2001. The second respondent AEO, by Ext.P4 order directed the Manager to appoint the third respondent as Peon. According to petitioners, the first petitioner Manager, has preferred Ext.P5 Revision Petition before the Government. Ext.P6 is a Judgment of this Court, whereunder this Court directed the Manager to implement Ext.P4 order in case it became otherwise final. According to petitioners, Ext.P4 order has not become final as the Revision Petition is pending. The first petitioner has, in fact, brought to the notice of the AEO vide Ext.P9 that a Revision Petition against Ext.P4 order is pending before the Government, and Ext.P10 shows that the first

petitioner Manager has moved the Government to consider the Revision Petition and pass orders on that Revision Petition at the earliest. Heard the learned Government Pleader also. The Writ Petition is disposed of directing the first respondent to consider and take a decision on Ext.P5 in accordance with law, after affording an opportunity of hearing to the first petitioner and other affected parties, within a period of six weeks from the date of receipt of a copy of this Judgment, if the Revision Petition has not already been disposed of.

K. M. JOSEPH, JUDGE

kbk.